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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,955	12/30/2004	Kasper Kokkonen	4819-4735	7370
27123 7590 08/07/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
YANG, JIE				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
08/07/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/519,955

Applicant(s)

KOKKONEN ET AL.

Examiner

JIE YANG

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/10/2008 has been entered.

Status of the Claims

Claims 14-18 are withdrawn as non-elected claims, claim 1 has been amended; and claims 1-13 are pending in application.

Status of the Previous Rejections

Previous rejection of claims 1-6, 9-13 under 35 U.S.C. 103 (a) as being unpatentable over Ikoma et al (US 5,685,892, thereafter '892) is still maintained. The amended claims are addressed as following.

Previous rejections of claims 7 and 8 under 35 U.S.C. 103 (a) as being unpatentable over '892 and evidenced by Murakami et al (US, 4,578,977, thereafter '977) are still maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikoma et al (US 5,685,892, thereafter US'892).

Regarding claims 1-6 and 9-13, US'892 is applied as discussed in the previous office actions marked 3/31/2008 and 10/04/2007.

Regarding the amended limitations in the instant claim 1, bending position and bending degrees are recognized as result-effective variables in term of feeding result, which is evidenced by US'892 (Col.8, lines 26-33 of US'892). US'892 teaches: "The bending angle and length of the bent portion 1b of the anode scrap sheet (1) may change depending upon the construction of the chute or the like, but according to the inventors' experimentation, the bending angle should be preferably from 10 degree to 45 degree, and more preferably from 20 degree to 45 degree, whereas the bending length should be preferably from 50 mm to 200 mm, and more preferably from 100 mm

to 200 mm." US'892 further teaches when the bent leading end of the anode scrap reaches the melt in the converting furnace, the leading end tends to float in the melt due to the increase in the resistance exerted thereon and changes its posture gradually from vertical one to a horizontal one. Thus, the anode scrap sheet is prevented from impinging against the furnace bottom (Col.8, lines 6-25 of US'892). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the bending angle and the bending position as demonstrated in US'892 in order to avoid anode impinging against the furnace bottom (Col.7, lines 48-59 of US'892). See MPEP 2144.05 II.

Furthermore, the amended limitations in the instant claim 1: "essentially completely bending the anode on both sides with respect to the center of the anode"; and "altering the falling trajectory of the anode" are considered as process imitations in an apparatus application. US'892 teaches a similar smelting apparatus feeding with the similar bending anode in order to solve the same problem for avoiding the anodes impinging against the furnace bottom as recited in the instant invention (Abstract, Page 1, line 28 to page 2, line 4 of the instant specification). It is well settled that the manner in which an

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apparatus operates is not germane to the issue of patentability of the apparatus it self. Ex parte Wikdahl 10 USPQ 2d 1546, 1546 (BPAI 1989); Ex parte McCullough 7 USPQ 2d 1889, 1891 (BPAI 1988); In re Finsterwalder 168 USP 530 (CCPA 1971); In re Casey 152 USPQ 235, 238 (CCPA 1967). In the instant case, the prior art apparatus of US'892 would be capable of being operated in the manner as claimed. Therefore, the amended features of "essentially completely bending the anode on both sides with respect to the center of the anode" and "alter[ing] the falling trajectory of the anode" do not add patentability weight to the instant apparatus claims for the feeding anode. MPEP 2114 [R-1].

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'892 or alternately in view of JP'006, and further in view of Murakami et al (US, 4,578,977, thereafter US'977).

Regarding claims 7-8, US'892 in view of US'977 is applied as discussed in the previous office actions marked 3/31/2008 and 10/04/2007.

Response to Arguments

Applicant's arguments filed on 6/10/2008 with respect to claims 1-13 have been fully considered but they are not persuasive because they are directed to the amended features and the examiner's position regarding the amended features was stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884.

The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY
/Roy King/
Supervisory Patent Examiner, Art Unit 1793